

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

U.S.A. vs. James Allen Vitarius

Docket No. 2:10-CR-32-1H

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Allen Vitarius, who, upon an earlier plea of guilty to Interstate Domestic Violence, was sentenced by the Honorable James H. Michael, Jr., Senior U.S. District Judge, sitting in the Western District of Virginia on January 15, 2002, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall pay any special assessment that is imposed by this judgment.
2. The defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office, until such time as the defendant is released from the program by the probation officer.
4. The defendant shall not possess a firearm or destructive device and shall reside in a residence free of firearms and destructive devices.
5. The defendant shall submit to a warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of illegal controlled substances or firearms.

James Allen Vitarius was released from custody on December 18, 2009, at which time the term of supervised release commenced. On September 7, 2010, jurisdiction was transferred to the Eastern District of North Carolina.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 25, 1995, the defendant pled guilty in Wake County Superior Court in Raleigh, North Carolina, to three counts of Taking Indecent Liberties with Children and sentenced to 21 to 26 months incarceration. It is respectfully recommended that the conditions of supervised release be modified to include the sex offender treatment condition in order to have the defendant evaluated to ensure he does not have any sexual interest in persons under the age of 16. If testing

concludes that such an interest exists, this condition would be in place to ensure Vitarius receives the appropriate treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer. While under supervision in the Eastern District of North Carolina, the defendant shall further abide by the rules and regulations of the NCE Sex Offender Program.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

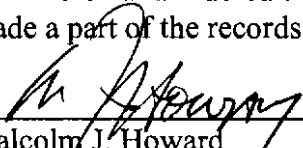
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Senior U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: July 15, 2011

ORDER OF COURT

Considered and ordered this 1st day of August, 2011, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge